

## **REMARKS and ARGUMENTS**

The Claims have been amended by amending Claim 1, and adding new Claim 56.

Claims 1, 4, 7-18, 20, 21, and 51-56 are pending in this application. Of the pending Claims, Claims 1, 7, 8, 20, 21, and 51-53, and 55 were rejected. Claims 4, 9-18, and 54 were objected to for reasons of form as being dependent on a rejected base Claim, but were otherwise found to be allowable in substance.

Claim 1 has been amended to restore the first alternative peptide sequence as it had appeared in Claim 1 as originally filed. This alternative sequence had been canceled by the January 16, 2007 amendment, and has now been restored.

Claim 1 has also been amended to restore the ninth alternative peptide sequence that had appeared in Claim 1 as originally filed. This alternative sequence had been canceled by the December 23, 2005 amendment, and has now been restored.

Claim 1 has also been amended in part (c) to say "(S)<sub>n</sub> is a hydrophilic region consisting of comprising hydrophilic amino acids or other hydrophilic groups . . . , " as this language had appeared in Claim 1 as originally filed. This change restores language that had been modified by the January 16, 2007 amendment.

Claim 1 has also been amended to add a new part (f). Basis for this amendment appears in the specification at paragraph [0034], more specifically, in subpart (a) of that paragraph, bridging pages 11-12 of the specification. (See, e.g., the last 2 lines on p. 11: "Note that the amino acids need not be identical to the corresponding native amino acids.")

In summary, Claim 1 now reads the same as it did when originally filed, except for the addition of new part (f).

New Claim 56 is identical to Claim 19 as originally filed.

### **The § 119(e) Priority Date**

The Office has acknowledged that Claims 53 and 54 are entitled to the benefit of the provisional priority date, but has taken the position that the other pending Claims are not.

Applicants do not concede that the remaining Claims are not also entitled to the benefit of the provisional filing date. Applicants reserve the right to demonstrate such priority at a later date, should the need arise. However, it is respectfully submitted that it is not necessary to decide this question for the time being. With the exception of Claims 53 and 54, in the discussion below it will be assumed for the sake of argument that the Claims might only be entitled to the benefit of the later nonprovisional filing date. Even if one makes this assumption, for the reasons given below it is respectfully submitted that all grounds of rejection should be withdrawn.

### **Preliminary Note Concerning the Novelty of the Independent Claims**

Claims 1 and 53 are the two independent Claims. If the independent Claims are novel and nonobvious, it then logically follows that the dependent Claims are necessarily novel and nonobvious as well. See M.P.E.P. § 2143.03, first paragraph. Therefore, the following discussion of novelty focuses on the two independent Claims, Claims 1 and 53, which are addressed separately.

### **The §§ 102 (a) and (b) Rejections of Independent Claim 1**

Applicants do not waive any of their earlier arguments concerning novelty, and reserve the right to present those arguments anew at a later date if necessary.

### **The Rejection of Claim 1 over the *Organic Letters* Paper.**

It is respectfully submitted that the present amendment to Claim 1 clearly distinguishes Claim 1 from the *Organic Letters* paper.

The February 22, 2007 Office Action had asserted that a particular peptide disclosed in the *Organic Letters* paper anticipated some of the alternatives recited in Claim

1, because the peptide could comprise an additional Lys residue that does not adversely affect certain of the compound's properties.

Claim 1 has been amended to include a new part (f) that clearly distinguishes Claim 1 from the AMY-1 peptide described in the *Organic Letters* paper:

(f) if the aggregation-inducing sequence contains, as alternating amino acids, either the sequence Lys-Val-Phe or the sequence Leu-Phe-Ala; then  $X_{aa1}$ ,  $X_{aa2}$ , and  $X_{aa3}$  are identical neither to the sequence Lys-Val-Phe nor to the sequence Leu-Phe-Ala.

In view of Claim 1's new limitation (f), none of the alternative sequences recited in Claim 1 can any longer be construed to read on the AMY-1 peptide disclosed in the *Organic Letters* paper. Any alternative sequence that is chosen, with any permutation in its constituents, even if it might otherwise be construed to read on AMY-1, will necessarily exclude the AMY-1 peptide from the *Organic Letters* paper because of Claim 1's new limitation (f).

It is respectfully submitted that the amendment to Claim 1 overcomes this ground of rejection.

### **The Fu Dissertation.**

The Office has repeated the rejection of independent Claim 1 as being anticipated by the Fu Dissertation under § 102(a).

Applicants have previously submitted a December 19, 2005 Affidavit of Inventor Robert Hammer to show that the Fu Dissertation represented, at least in pertinent part, the inventors' own work, and that the presentation was therefore removed as a reference under § 102(a).

A new Declaration of Robert Hammer is being contemporaneously submitted, to address the concerns specified on pages 7 and 8 of the February 22, 2007 Office Action.

More specifically, the new Declaration clearly states that Robert Hammer and Mark McLaughlin were the inventors of independent Claim 1 (Par. 5). The Declaration explains why Dr. Fu was the sole author on his PhD Dissertation (Par. 8(b)). And the Declaration

establishes that, to the extent that the Dissertation may reflect the conception of the invention of Claim 1, the named author, Dr. Fu, learned of that invention from the inventors Dr. McLaughlin and Dr. Hammer, and to that extent the Dissertation represents (directly or indirectly) the inventors' own work. (Par. 8(d)).

It is respectfully submitted that the rejection based on the Fu Dissertation should be withdrawn. Strictly in the alternative, the Office is respectfully requested to suggest any specific modifications to the language of the new Declaration that might help overcome any remaining concerns that the Office may identify in the new Declaration.

**The Aucoin Oral Presentation.**

The Office has repeated the rejection of independent Claim 1 as being anticipated by the Aucoin presentation under § 102(a).

Applicants have previously submitted a December 19, 2005 Affidavit of Inventor Robert Hammer to show that the Aucoin oral presentation represented, at least in pertinent part, the inventors' own work, and that the presentation was therefore removed as a reference under § 102(a).

The new Declaration of Robert Hammer should also address the concerns specified on pages 7 and 8 of the February 22, 2007 Office Action concerning the Fu Dissertation.

More specifically, the new Declaration clearly states that Robert Hammer and Mark McLaughlin were the inventors of independent Claim 1 (Par. 5). The Declaration explains why Dr. Aucoin was the sole named author or presenter for the oral presentation (Par. 9(d)). And the Declaration establishes that, to the extent that the presentation may reflect the conception of the invention of Claim 1, the named author, Dr. Aucoin, learned of that invention from the inventors Dr. McLaughlin and Dr. Hammer, and to that extent the presentation represents (directly or indirectly) the inventors' own work. (Par. 9(e)).

It is respectfully submitted that the rejection based on the Aucoin presentation should be withdrawn. Strictly in the alternative, the Office is respectfully requested to suggest any specific modifications to the language of the new Declaration that might help overcome any remaining concerns that the Office may identify in the new Declaration.

### **The Rejection of Claim 53 over the *Organic Letters* Paper.**

The Office has repeated the rejection of independent Claim 53 as being anticipated by the *Organic Letters* paper under § 102(a).

Applicants have previously submitted a December 19, 2005 Affidavit of Inventor Robert Hammer to show that the *Organic Letters* paper represented, at least in pertinent part, the inventors' own work, and that the presentation was therefore removed as a reference under § 102(a).

The new Declaration of Robert Hammer should also address the concerns specified on pages 7 and 8 of the February 22, 2007 Office Action concerning the *Organic Letters* paper.

More specifically, the new Declaration clearly states that Robert Hammer and Mark McLaughlin were the inventors of independent Claim 53 (Par. 5). The Declaration explains why Drs. Fu and Hammer were the only named authors for the *Organic Letters* paper (Pars. 7(b) and (c)). And the Declaration establishes that, to the extent that the *Organic Letters* paper may reflect the conception of the invention of Claim 53, Dr. Hammer's co-author, Dr. Fu, learned of that invention from the inventors Dr. McLaughlin and Dr. Hammer, and to that extent the presentation represents (directly or indirectly) the inventors' own work. (Par. 7(d)).

It is respectfully submitted that the rejection based on the *Organic Letters* paper should be withdrawn. Strictly in the alternative, the Office is respectfully requested to suggest any specific modifications to the language of the new Declaration that might help overcome any remaining concerns that the Office may identify in the new Declaration.

### **§ 102 Summary**

It is respectfully submitted that all prior art rejections have been overcome, or should otherwise be withdrawn.

### **Conclusion**

Allowance of Claims 1, 4, 7-18, 20, 21, and 51-56 at an early date is respectfully requested.

Strictly in the alternative, if the Office should identify any minor remaining issues, for example potential minor alterations to the Declaration that might help to overcome any remaining grounds of objection, then the Examiner is respectfully requested to contact the undersigned to schedule a telephone interview to discuss such matters further, in order to conclude prosecution expeditiously.

Respectfully submitted,



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